

STATE OF MICHIGAN
COURT OF APPEALS

ANGELENA JOY MCCONCHIE,
Plaintiff-Appellant,

FOR PUBLICATION
September 15, 2015

v

JOSHUA DAVID VOIGHT,
Defendant-Appellee.

No. 326651
Livingston Circuit Court
Family Division
LC No. 10-044132-DZ

Before: SAWYER, P.J., and M. J. KELLY and SHAPIRO, JJ.

SAWYER, P.J. (*dissenting*).

I respectfully dissent.

While I do not necessarily disagree with the reasoning of the majority and its conclusion that this matter was mishandled by the referee, I do disagree that the best remedy is to reverse the lower court and have it start over. I reach this conclusion in light of the trial court's indication that the referee's recommendation would only constitute a temporary order pending a full resolution of the matter and an entry of a final order. At this stage, I believe that the better and more expeditious resolution of this case would be merely to remand the matter to the trial court with directions that the trial court itself shall conduct the evidentiary hearing necessary to reach a final disposition of this matter and to promptly enter an order reaching a final resolution of this matter. Thereafter, any party dissatisfied with the trial court's resolution of the matter could pursue an appeal.

/s/ David H. Sawyer